

REMARKS/ARGUMENTS

In response to the rejection of Claims 22-28, and 32-38 which are rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,077,236 issued to Cunningham in view of U.S. Patent No. 5,702,427 to Ecker et al., applicant respectfully submits that claims 22-28, and 32-36 have been amended to overcome the rejection in accordance with the Examiner's suggestion. Claims 37-39 have been cancelled, as Applicant added all of the limitations of claims 37-39 into claim 32. Claims 29, 30 and 40, which were objected, are now in condition for allowance by virtue of their dependency on allowable amended claims or amendments made to the claims.

Claims 22-28, 32-38 are rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,077,236 issued to Cunningham in view of U.S. Patent No. 5,702,427 to Ecker et al. Specifically, regarding claims 22 the examiner states:

Regarding claim 22, Cunningham discloses a cardiac motion sensor unit comprising an acceleration sensing device 2 that generates a signal representative of movement of a cardiac wall, and a conductor device with an elongated insulator body (insulated wires 7 and 8 as discussed in col. 6 lines 47-50) that transmit the signal to an electronic device. Regarding recitation concerning the use of a connector configured for removable attachment of the motion sensor unit to the electronic device, the examiner notes that, while not explicitly shown, the pacing/sensing lead must have some form of traditional connector device (commonly a connector pin arrangement) if it is to connect the electronic device 9. Connectors that allow for removable attachment of leads from electronic devices are old and well known in the medical implant arts. Such a feature allows one to more readily replace or update the implant by simply detaching the electronics housing from the lead - a lead which may be difficult to remove due to fibrotic cardiac tissue growth -- and plugging a new unit in. Connectors that provide removable connection of the lead unit to the electronic device housing are so commonplace that the industry has developed standards for their manufacture. One, in fact, would be hard pressed to find a connector that didn't allow for removable attachment. Ecker et al., for example, disclose a typical connector pin arrangement (see Figs. 2-5) that conforms to the IS-1 standard. To incorporate the same ubiquitous arrangement in the Cunningham device would have been seen by ordinarily skilled artisans to be completely and blatantly obvious.

Regarding the term "molded into," the examiner considers such a term to related to a product-by-process limitation. Such claims are only limited by the structure implied by the steps, and not the step(s) itself. The claimed product

appears to be the same or similar to that of the Cunningham device since both products would contain an insulating layer over the conductor. Furthermore, it would not appear to make any difference as to how the insulative material was applied from an operational standpoint. Clearly an insulator body is required to prevent signal interference and shortening of signals between conductors. How such a body is constructed with respect to a conductor is of little consequence to this issue. A related comment applies to claim 25.

Applicant respectfully traverses the Examiner's rejection and respectfully submits that claim 22 is not obvious over U.S. Patent No. 6,077,236 in view of U.S. Patent No. 5,702,427. Applicant respectfully submits that claim 22 has been amended to include the limitations of dependent claim 27, 28 and 29. Accordingly, in accordance with the Examiner's comments, claim 22 is in condition for allowance. Specifically, regarding the allowability of claim 22, the Examiner states that:

Claims 29-31, 39 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims.

Applicant respectfully submits that claim 22 has been rewritten to include all the limitations of base claims 27, 28 and 29, thereby placing claim 22 in condition for allowance. Applicant respectfully submits that claim 22 as amended is not obvious over U.S. Patent No. 6,077,236 in view of U.S. Patent No. 5,702,427. Applicant respectfully requests a communication acknowledging the allowance of claim 22 as a result of amendments. Regarding claims 30 and 31, these claims are now dependent upon claim 22, which, for the reasons set forth above are in condition for allowance. Accordingly, Applicant respectfully requests withdrawal of the objection to claims 30 and 31. Claim 29 has been rewritten in independent form to include limitations from claim 22, in view of the Examiner's comments and the amendment to claim 29, Applicant respectfully requests withdrawal of the objection to claim 29. Applicant further respectfully submits that claims 23-31 are in condition for allowance by virtue of their dependency on independent claim 22. Accordingly, Applicant respectfully request reconsideration of the rejections and objections to claims 22-31.

Appl. No. 10/004,686
Amdt. dated June 15, 2005
Reply to Office Action of March 15, 2005
Confirmation No. 7614

Claim 32 has been amended in manner similar to that of amended claim 22, whereby the limitations of dependent claims 37-39 have been added to independent claim 32. In accordance with the Examiner's comments that claim 39 is allowable subject matter, Applicant respectfully submits that claim 32 is in condition for allowance and respectfully requests reconsideration of claim 32 in view of the amendments to claim 32, and the above comments. Applicant further respectfully submits that claims 33-36 and 40 are in condition for allowance by virtue of their dependency on independent claim 32. Accordingly, Applicant respectfully request reconsideration of the rejections and objections to claims 32-26 and 40.

CONCLUSION

Should the Examiner have any questions or comments, please contact the undersigned at 404-954-5100.

Respectfully submitted,

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Date: June 15, 2005

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